IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.103 OF 2005

The State of Maharashtra ...Appellant

Vs.

Ramesh R. Gupta & ors. ...Respondents

Ms Geeta Mulekar, A.G.P. for the Appellant
Mr.J.Xavier for the Respondent No.4.

CORAM: A.S.OKA, J.

DATED: JANUARY 25, 2005.

P.C.:

1. The learned Counsel appearing for the appellant states that private notice has been served on the Respondents. The learned Counsel for the Appellant placed on record a report dated 25th January 2005 submitted by Senior Inspector of Police, D.B.Marg Police Station. The said report is taken on record and marked "X" for identification.

2. The challenge in this Appeal from Order is to the order of interim injunction granted by the Trial Court on 4th June 1990. By the said order, the original Defendant No.2 has been restrained from taking any action against the original Plaintiffs without following due process of law. The learned Counsel for the Appellant pointed out that the original Plaintiffs are hawkers and they are governed by the Judgment of the Apex Court.

3. The order is operating from 4th June 1990. The original Plaintiffs are not appearing in spite of service. If the order needs variation as a result of subsequent events, the parties to the suit can always apply for variation of order under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908. There is no reason to interfere with the impugned order.

4. Subject to observations made above, Appeal is dismissed with no order as to costs.

Judge.